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February 10, 1987

VIA TELECOPIER
(Confirmation By Courier)

Dr. Ing. W. Abitz
Aibtz, Morf, Gritschneder, von Wittgenstein
Postfach 860109
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West Germany

RECEIVED
PHILIP MORRIS, INC.
LAW DEPT.-PATENT SECTION
FEB 13 1987
NOTED

PHILIP MORRIS
(Opposition to B&W Australian
Patent Application 517,072)

Dear Dr. Abitz:

Mr. Jack Mandiratta of Fabriques de Tabac Reunies (FTR) in Neuchatel has suggested that I contact you for assistance in a matter of considerable urgency. Therefore, I am taking the liberty of sending material to you with this letter in the hope that you can be of assistance. I apologize for the lack of personal contact with you.

We represent Philip Morris in connection with an opposition to an Australian patent application filed by Brown & Williamson Tobacco Corp. (an affiliate of British American Tobacco). The corresponding German patent has been successfully opposed by FTR and others. Dr. Hans-Karl Hach in Mosbach represented FTR in that matter. Unfortunately, Dr. Hach is on holiday, and we cannot reach him.

Our Australian attorneys, working with an Australian barrister, are making final preparations for a hearing in the Australian Patent Office on 16-17 February. They want to be able to refer to the outcome of the German opposition, and thus require a statutory declaration to accomplish that. We cannot obtain such a declaration from Dr. Hach, because he is on holiday.

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Source: https://www.industrydocuments.ucsf.edu/docs/hgvk0000

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TO Dr. Ing. W. Abitz

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I am taking the liberty of transmitting to you the outline of a statutory declaration as prepared by the Australian attorneys, Callinan and Associates. Mr. Jack Mandiratta has the original German decision and the verified English translation. He can send them to you in Munich on Wednesday, 11 February.

The Statutory Declaration of Martin Lance Reynolds and the Declaration of Warren Edward Claflin are also being sent to you by telecopier with this letter. I am sending copies of those to you by courier for your use as exhibits in the declaration. They should arrive on 11 February.

Please call Jack Mandiratta in Neuchatel as soon as you can on the morning of Wednesday, 11 February so that he will know if he should go ahead and send the additional materials to you.

Because of the time differences involved, it is difficult to coordinate things between Switzerland, Germany, Australia and New York. However, I hope you will feel free to call me or Mr. Robert Kelson at Callinan and Associates in Australia if you have any questions.

Please note that the executed declaration should not be sent to Callinan's Richmond office. Rather, it should be sent to Canberra in care of W. L. Thommson.

Thank you for your assistance.

Very truly yours,

W Edward Bailey

W. Edward Bailey

WEB/ll
Enclosures

cc: Mr. Jagdish Mandiratta - VIA TELECOPIER
Mr. Robert Kelson - VIA TELECOPIER
James E. Schardt, Esq. - BY POUCH MAIL
(all without enclosures)

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